

New Zealand.



ANALYSIS.

- Title.
1. Short Title.
2. Removal of disabilities.

3. Evidence of person charged with offence when not defended by counsel or solicitor.
4. No adverse comment allowed.
5. Repeal.

1889, No. 16.

Title.

AN ACT to amend the Law relating to the Hearing of Evidence on Criminal Charges. [16th September, 1889.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title.

1. The Short Title of this Act is "The Criminal Evidence Act, 1889."

Removal of disabilities.

2. Where a person is charged with any offence whatsoever, whether punishable on indictment or summarily, and whether solely or with others, the person charged and his wife or her husband, as the case may be, may be called as a witness for the defence: Provided—

- (1.) The person charged shall not be called as a witness without his consent:
- (2.) The wife or husband of the person charged shall not be called as a witness without the consent of that person, except in any case in which such wife or husband might have been compelled to give evidence before the passing of this Act:
- (3.) A person called as a witness in pursuance of this Act shall not be asked, and, if asked, shall not be required to answer, any question tending to show that the person charged has previously committed or been convicted of any offence, unless either—

(a.) The proof that the person charged has previously committed or been convicted of an offence is admissible evidence to show that he may be guilty of the offence wherewith he is then charged; or,

(b.) The person charged has given evidence of good character.

Evidence of person charged with offence when not defended by counsel or solicitor.

3. Where a person charged with an offence is not defended by counsel or solicitor, then, on the completion of the examination of the witnesses on the part of the prosecution, the following caution, or words to the like effect, shall be addressed to him by or under the

direction of the Court or presiding Justice before whom he is charged: that is to say, "Having heard the evidence against you, do you wish to be called as a witness and give evidence in answer to the charge? You are not obliged to give evidence, and if you decide not to be examined the fact will not be allowed to be subject of comment; but, if you are called, the evidence you give may be used against you."

4. If a person charged with an offence shall refrain from giving evidence, or from calling his wife or her husband, as the case may be, as a witness, such person shall not be prejudiced thereby, and no comment adverse to the person charged shall be allowed to be made thereon.

No adverse comment allowed.

5. Section eighty of "The Justices of the Peace Act, 1882," is hereby repealed.

Repeal.